

## **REMARKS/TRAVERSAL**

### **Status of the Claims**

Claims 1-20 are pending in the instant application. A requirement for restriction has been imposed on claims 1- 20 requiring the Applicants to restrict the subject matter of the instant application to Groups I – IV.

More specifically, the claims have been assigned to four groups as follows:

Group I, claims 1- 10 and 19 drawn to a non-human transgenic animal whose somatic cells and germline cells are homozygous or heterozygous for an altered agouti-related protein (AgRP) gene which encodes a non-functional AgRP protein (i.e, AgRP knockout ), a cell line from the transgenic, a method of making the transgenic and a method for using the transgenic;

Group II, claims 8 and 9 drawn to a non-human transgenic animal whose somatic cells and germline cells are homozygous for an altered AgRP gene which contain and express a transgene comprising a gene for a non-native AgRP protein (i.e, knock-in);

Group III, claims 11-16 and 20 drawn to a non-human transgenic animal whose somatic cells and germline cells are homozygous for an altered AgRP gene which encodes a non-functional AgRP protein and homozygous for an altered Neuropeptide Y (NPY) gene which encodes a non-functional NPY protein (i.e, double knock-out) and a method of using the transgenic; and

Group IV, claims 17 and 18, drawn to a transgenic mouse whose somatic cells and germ cells lack functional genes coding for a murine AgRP protein and a NPY protein which contains and expresses a first transgene encoding a non-native AgRP protein and a second transgene encoding a non-native NPY protein.

### **Traverse/Request for Reconsideration of the Restriction Requirement**

Applicants respectfully traverse the Restriction Requirement set forth in the Office Action, mailed August 11, 2006 and request that the Examiner consider combining the subject matter assigned to Groups I and III for examination on the merits. Applicants are of the opinion that examination of all of the non-human transgenic knock-out mice recited in claims 1-10 and 19 (Group I) and claims 11-16 and 20 (Group III) as a single invention will not impose a burden on the Examiner which differs significantly from the burden required to examine the subject matter of the claims assigned to Group I.

This belief is partially based on the observation that all of the non-human transgenic knock-out animals disclosed in the application share a common genotype (AgRP knockout) and

phenotype (impaired Agouti-related protein function). Accordingly, the search obligation that will be required to examine the double knock-out animals comprising altered AgRP function AND altered NPY function will not be significantly different from the search that will be performed to examine the AgRP single knockout animals.

### **Election**

Despite the traversal and request for reconsideration of the Restriction Requirement set forth above, Applicants understand that in order for this submission to be deemed responsive, an election must be included with this submission. Accordingly, Applicants provisionally elect the subject matter of Group I, claims 1-10 and 19 for examination on the merits.

However, Applicants would prefer to prosecute the subject matter assigned to Groups I (AgRP knockout) and Group III (AgRP and NPY double knockout) non-human transgenic animals as a single invention.


### **Effect of Priority Claim**

As indicated on the Transmittal Letter which accompanied the submission of this application to the USPTO receiving office, this application claims priority to a US provisional application (60/393,391) that was filed on July 3, 2002. Therefore, the filing date of the priority application antedates the Molecular and Cell Biology reference cited by the Examiner in the Restriction Requirement. Accordingly, the inventors' publication that is referenced by the Examiner does not deprive the subject matter of claim 1 (or group I) of its novelty.

**Conclusion**

If the Examiner feels that a teleconference will advance the examination of this case on the merits by providing an opportunity for the Examiner to clarify the original restriction requirement or to create an alternative grouping of claims in light of the claim amendments presented in this response, Applicants' representative can be reached at the number provided below.

Respectfully submitted,

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